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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABE BEAUPERTHUY, et al.,

Plaintiffs,

v.

24 HOUR FITNESS USA, INC., a
California corporation dba 24 HOUR
FITNESS; SPORT AND FITNESS
CLUBS OF AMERICA, INC., a
California corporation dba 24 HOUR
FITNESS,

Defendants.

Case No. C 06 0715 SC

*(Assigned to the Honorable Samuel Conti
for All Purposes)*

**[PROPOSED] ORDER ON MOTION
FOR FINAL APPROVAL OF
SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES AND COSTS**

Date: September 13, 2013

Time: 10:00 am

Courtroom: 1

Complaint filed: February 1, 2006

Trial date: N/A

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This matter comes before the Court on Plaintiff's Motion for Final Approval of a Fair Labor Standards Act ("FLSA") Settlement.

The proposed settlement in this case was preliminarily approved by this Court on April 22, 2013 ("Preliminary Approval Order") (Dkt. No. 568). Pursuant to the Court's Preliminary Approval Order and the Notice provided to the individual plaintiffs, the Court conducted a fairness hearing on September 13, 2013. The Court has reviewed the materials submitted by the parties, and has heard arguments presented at such hearing. For the reasons cited on the record as well as those stated hereafter, the Court finds and orders as follows:

1. The Court has subject matter jurisdiction over this action pursuant to 29 U.S.C. §201 et seq.

2. The notice given to the individual plaintiffs informed the plaintiffs of the material elements of the proposed settlement, constituted the best notice practicable under the circumstances, constituted valid, due and sufficient notice and complied with Federal Rules of Civil Procedure and the United States Constitution.

3. The Settlement Agreement is fair, reasonable and adequate in all respects under the FLSA. The Settlement Amount will provide a substantial benefit to the plaintiffs. The agreement is not the product of fraud or collusion between the negotiating parties, and the settlement, taken as a whole, is fair, reasonable, and adequate to all concerned. The uncertainty and delay of further litigation strongly support the reasonableness and adequacy of the Settlement.

4. The Settlement has received overwhelming approval. No plaintiff has objected to any aspect of the proposed settlement. Of the 862 individuals who are named as parties to the settlement, 851 have signed individual releases approving the settlement. The reaction of the plaintiffs to the proposed Settlement strongly supports the conclusion that the proposed Settlement is fair, reasonable, and

adequate. Accordingly, the Court hereby grants final approval of the Settlement and orders the parties to comply with the terms of the Settlement Agreement.

5. The Court grants the motion for attorneys' fees as fair and reasonable and approves payment to Plaintiffs' counsel of attorneys' fees in the amount of \$5,479,677 and litigation costs in the amount of \$1,009,469 from the Settlement Amount. The Court approves \$65,000 in Settlement administration costs to Simpluris.

6. The Court shall retain continuing jurisdiction over the action and over all Parties and Plaintiffs, to the fullest extent to enforce and effectuate the terms and intent of the Settlement Agreement.

7. All actions and claims for relief brought by the individual plaintiffs who have signed the Individual Release Agreements that are the subject of the Settlement Agreement are hereby dismissed with prejudice.

IT IS SO ORDERED.

Date:



Hon. Samuel Conti

United States District Judge